UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,316	10/22/2001	Mark Lucovsky	3100	9380

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EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/021,316	LUCOVSKY ET AL.
	Examiner	Art Unit	
	Etienne P LeRoux	2161	.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *10/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claims Status

Claims 4-37 are pending. Claims 1-3 have been cancelled. Claims 4-37 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4-6, 8-22, 24-27 and 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2005/0065950 issued to Chaganti et al (hereafter Chaganti).

Claims 4, 14, 16-21, 29-31, 35 and 36:

Chaganti discloses:

- receiving a request from a device having a service running thereon using a service to service protocol to retrieve contacts data from a data store, the request including associated identity information [user computer 104 with suitable programs to connect to network 102, Fig 1, paragraph 23]

- reading from the data store to obtain contacts data in response to the request, wherein access to the data store is based on the associated identity information [authorization verification module 118, Fig 1, paragraph 38]

- constructing a contacts document including at least part of the requested contacts data and including a defined identity-based schema for contacts data, the defined schema operable to be interpreted by the service running on the device [documents, paragraphs 21 and 22]

- returning the contacts document to the device in response to the request [Fig 2b, step 224]

Claims 5, 15, 22 and 27:

Chaganti discloses the wherein the schema includes at least one defined field for extending the schema [medical information, paragraph 43].

Claim 6:

Chaganti discloses wherein the at least one defined field comprises data corresponding to a contacts display name [Table 1]

Claim 8:

Chaganti discloses wherein the at least one data field comprises data corresponding to a phone number [paragraph 36]

Claim 9:

Chaganti discloses wherein the at least one defined field comprises data corresponding to an e-mail address [paragraph 55]

Claim 10:

Chaganti discloses wherein the at least one defined field comprises data corresponding to a mailing address [paragraph 36].

Claim 11:

Chaganti discloses wherein the at least one defined field comprises data corresponding to a title [paragraph 36]

Claim 12:

Chaganti discloses wherein the at least one defined field comprises data corresponding to a second phone number [paragraph 36]

Claim 13:

Chaganti discloses wherein the at least one defined field comprises data corresponding to second email address [paragraph 55]

Claims 24 and 32:

Chaganti discloses wherein the manipulating comprises an update manipulation [paragraph 5]

Claim 25:

Chaganti discloses wherein the manipulating comprises a replace manipulation [paragraph 5]

Claim 26:

Chaganti discloses wherein the manipulating comprises a send message manipulation [paragraph 21]

Claim 27:

Chaganti discloses wherein the manipulating comprises a save message manipulation

[paragraph 21]

Claim 33:

Chaganti discloses computer-executable instructions for denying the request for data

based on the associated identity information [paragraph 57]

Claim 34:

Chaganti discloses computer-executable instructions for constructing the document in an

extensible markup language [paragraph 25]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chaganti in view of US Pat No 6,453,317 issued to LaCost et al (hereafter LaCost).

Claim 7:

Chaganti discloses the elements of claims 4 and 5 as noted above but fails to disclose

wherein the at least one defined field comprises data corresponding to a contact protocol.

LaCost discloses wherein the at least one defined field comprises data corresponding to a contact

protocol [Fig 1, col 3, lines 55-58]. It would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Chaganti to include wherein the at least one

defined field comprises data corresponding to a contact protocol as taught by LaCost for the

purpose of providing a system in which shared databases containing customer related

information may be stored within a server system and delivered to users such as customers via a

variety of network connections [col 3, lines 50-55].

Claim 23:

Chaganti discloses the elements of claims 16 and 20 as noted above but fails to disclose a

delete manipulation. Official Notice is taken that a delete manipulation is well-known and

expected in the art. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Chaganti to include a delete manipulation for the purpose of

removing information that is obsolete and thereby freeing up storage for new and up-to-date

information.

Claim 28:

Chaganti discloses the elements of claims 16 and 20 as noted above but fails to disclose

wherein the manipulating comprises a copy message manipulation. Official Notice is taken that

a copy message manipulation is well-known and expected in the art. It would have been obvious

to one of ordinary skill inn the art at the time the invention was made to modify Chaganti to

include a copy message manipulation for the purpose of sending a duplicate copy of the message

to a second person such that the second person is kept up-to-date regarding the subject matter of

the message.

Response to Arguments

Applicant's arguments filed 10/20/2005 have been fully considered but they are not

persuasive for the reasons given below.

Applicant Argues:

Applicant states in the second paragraph of page 14:

In contrast, the present invention is directed to a system and method for a contacts service that
allows for central access to specific data typically stored on a server computer according to an
identity-based schema. Having an identity-based schema allows data to be retrieved not only
based on the identity of the requestor but also based on identity of an individual associated with
the stored data. Thus, a user, John, may store contacts data in a data store and establish a number
of access parameters according a contacts schema based on the identity of John. In this manner,
John may establish full access for a request for data coming from himself, but only allow specific
access to a different user, Jill, when Jill requests data from Jack's contacts data. The identity-
based schema is able to distinguish not only which data to allow access based on the requestor
but also based on the associated identity of the requested data. Chaganti does not teach an
identity-based schema.

Examiner Responds:

Examiner is not persuaded. Applicant fails to point to the specification for support for

"identity-based schema." Office personnel are to give claims their broadest reasonable

interpretation in light of the supporting disclosure. Examiner, therefore, does not grant

patentable weight to above description of "identity-based schema" because the above description

is not based on the specification.

Nevertheless, for the sake of arguing, let us assume that "identity-based schema" implies

access by a third party of an individual's personal information stored in a database. This

interpretation is directly disclosed by Chaganti in paragraph 29 which includes:

In preferred and alternative embodiments, the PIRSP announces that its services are available
free, or for a fee, and in the latter case, the fee is calculated based on a per transaction basis, or
on a subscription basis, either from users that store information or from entities that request such
information.

The above disclosure of entities that only request information proves that Chaganti

incorporates third party access of an individual's personal information.

Furthermore, Chaganti discloses the following in paragraph 51:

[0051] In an embodiment, the user 103 provides his identifier and a secure password, to a
requester 105. This could be done, for example, when the user 103 decides to provide a travel
agent or a tailor that his personal travel preferences or style and measurements can be obtained
from the server computer 100 operated by the PIRSP. In one embodiment, the requester's web
page (not shown) comprises an area, selecting which the user 103 can specify that his
information can be obtained from the PIRSP's web site. Preferably, the user 103 provides his
identifier, a specific authorization--for example to fetch the travel preferences or the medical
history and nothing else--and requests the requester 105 to obtain his personal information from
the PIRSP. The requester computer 106 is configured to receive this authorization over a secure
channel, and to initiate a request to the PIRSP for the user's personal information.

The above disclosure of requestor 105/requestor computer 106 proves that Chaganti

incorporates third part access of an individual's personal information.

Applicant Argues:

Applicant states in the first paragraph of page 15:

Applicants point out that the cited portion of Chaganti (paragraph 21 and paragraph 66) discloses an applet that may use HTTP or FTP to communicate with the server computer. HTTP and FTP are not service-to-service protocols and an applet is not a service.

Examiner Responds:

Examiner is not persuaded. Applicant has misquoted paragraph 66. The correct version of paragraph 66 is given below:

In alternative embodiments, the invention described herein can be implemented in part on the server computer 100 and in part on the user computer 104, in part as a servlet, as a downloaded JavaScript program, as a plugin program, as an applet or any combination thereof.

It is clearly obvious that use of an applet applies to an alternative embodiment of Chaganti's invention. Clearly, the applet is not required for enablement of HTTP or FTP as suggested by applicant.

Furthermore, with respect to HTTP and FTP, Applicant should submit an argument pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Because applicant fails to point out errors in examiner's interpretation, examiner continues to maintain that HTTP and FTP as disclosed by Chaganti. Service-to-service protocol(s) is/are disclosed in the paragraph 21 which is given below:

[0021] The server computer 100 is configured to receive request messages from the user computer 104 over the internet in the Hyper Text Transfer Protocol (HTTP), File Transfer Protocol (FTP) or any similar protocol used to transfer data, video, voice or a combination of these media. After analyzing the request messages, the server computer 100 is configured to transmit in response messages that include "web pages" that are programmed in Hyper Text Markup Language (HTML) or a similar language.

The above disclosure by Chaganti teaches that HTTP and FTP are protocols which permit

client and the server to communicate and thus provide "service-to-service." The following

excerpts from the Microsoft Computer Dictionary, Fifth Edition regarding HTTP and FTP are

pertinent and clearly disclose a "service-to-service protocol."

HTTP: Acronym for Hypertext Transfer Protocol. The protocol used to carry requests from a
browser to a web server and to transport pages from web servers back to the requesting browser.
Although HTTP is almost universally used on the web, it is not an especially secure protocol.

FTTP: Acronym for File Transfer Protocol, a fast, application-level protocol widely used for
copying files to and from remote computers systems on a network using TCP/IP, such as the
Internet. This protocol also allows users to use FTP commands to work with files, such as listing
files and directories on the remote system.

Applicant Argues:

Applicant states in the second paragraph of page 15:

The Office Action has mistakenly interpreted contacts data and identity information to be
interchangeable terms which they are clearly not. thus, despite Chaganti stating that the database
may be subject to authentication and login security systems, Chaganti simply does not associate
any requests for data with identity information that identifies the source of the request for data in
the first place.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., associate requests for data with identity information that identifies the source of the

request for data in the first place) are not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For purposes of providing a more accurate response, the claim language should be considered, i.e., "wherein access to the data store is based on the associated identity information."

Chaganti discloses the following which reads on the above limitation: (1) an authorization verification module 118 in Figure 1, and paragraph 38, (2) establishment of a secure connection between a user computer and the PIRSP's web site in Figures 2 and 3 and paragraph 39, (3) a list of authorized recipients in paragraph 44, (4) security classification for each information object in paragraph 46, (5) user access key in paragraph 48, (6) security classification for each information object stored in the database in paragraph 49, (7) enrollment of potential requesters in paragraph 50, (8) provision of a secure password to a requestor in paragraph 51.

Applicant Argues:

Applicant states in the first paragraph of page 16 "The method taught by Chaganti does not construct any documents anywhere at any time. Rather any data exchanged is done using typical HTTP and FTP commands."

Examiner Responds:

Examiner is not persuaded. Chaganti discloses in paragraph 21 and 22 that the server computer 100 is configured to receive request messages from the user computer 104 over the Internet in the Hyper Text Transfer Protocol (HTTP), File Transfer Protocol (FTP) or any other similar protocol to send requests to the server computer 100 which responds by transmitting web pages in which may be embedded documents, scripts and objects to the user 104. Chaganti clearly discloses documents per the above.

Furthermore, applicant is referred to above definition of HTTP which discloses that

HTTP is used to transfer web pages from the server to the user. Examiner maintains web pages

read on the claimed "documents." Still further, applicant is referred to above definition of FTP

which discloses that FTP copies files and directories to and from remote computers systems on a

network using TCP/IP, such as the Internet. Examiner maintains that files and directories read

on the claimed "documents."

Applicant Argues:

Applicant recites the limitations of claim 14 in the paragraph joining pages 16 and 17.

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above Office Action where the claim

limitations are mapped to the disclosure of Chaganti.

Applicant Argues:

Applicant states in pages 17-19 that claims 14, 16 and 29 are allowable for reasons

similar to claim 4.

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above rebuttal by examiner of

applicant's comments regarding claim 4.

Applicant Argues:

Applicant states in the first paragraph of page 22, "More particularly, Chaganti simply

does not teach determining a scope of access rights based on the identity information, the scope

determined according to the identity-based contacts schema having contacts-related fields

arranged into a second access-control content document with defined structures for fields."

Examiner Responds:

Examiner is not persuaded. Chaganti discloses the following which reads on the above

limitation: (1) an authorization verification module 118 in Figure 1, and paragraph 38, (2)

establishment of a secure connection between a user computer and the PIRSP's web site in

figures 2 and 3 and paragraph 39, (3) a list of authorized recipients in paragraph 44, (4) security

classification for each information object in paragraph 46, (5) user access key in paragraph 48,

(6) security classification for each information object stored in the database in paragraph 49, (7)

enrollment of potential requesters in paragraph 50, (8) provision of a secure password to a

requestor in paragraph 51.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Examiner Notes:

Examiner notes that the Oath is defective because Aaron J. Hartwell has not signed the

Oath. If applicant wishes to pursue prosecution of instant application, examiner recommends

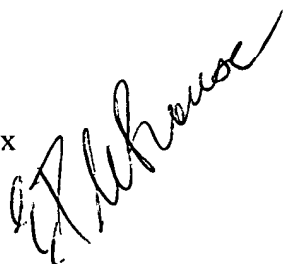that applicant obtain the signature of Mr. Aaron J. Hartwell

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet

Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

12/22/2005